

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A SPECIAL MEETING OF MARCH 30, 2004.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Eleanor Bouy (Interim Director of Planning, Zoning and Codes), Gerald Boudreaux (Director of Parks & Recreation), Melanie Lewis (Director of Community Development), Tom Carroll (Interim Public Works Director), Pat Ottinger (Legal Counsel).

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Chair Menard called the Special Council Meeting of March 30, 2004 to order. He then announced that there would be a Community Development Briefing and Police, Fire and Safety Briefing immediately following this Special Council Meeting.

(TAPE 1)(SIDE A)(002) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Bruce Conque was called upon to deliver the invocation and lead the Pledge of Allegiance.

The Chair then recognized Thomas Stelly, Comeaux High School, working on his Citizenship Project.

(TAPE 1)(SIDE A)(024) AGENDA ITEM NO. 3: **COUNCIL ANNOUNCEMENTS**

Councilmember Stevenson introduced Heather Dubros, Silent Witness National Initiative Program for awareness of domestic violence. Ms. Dubros invited the Council to attend a meeting for domestic violence on Wednesday, March 31, 2004 at 6:00 p.m. at the Clifton Chenier Center.

Dr. Williams stated that Councilmembers Conque, Benjamin and himself attended a function at the Lafayette Natural History Museum for an exhibit to promote the Creole culture.

RESOLUTIONS

(TAPE 1)(SIDE A)(077) AGENDA ITEM NO. 4: R-021-2004 A resolution of the Lafayette City-Parish Council acknowledging receipt of, and approving, certain financial reports for FY 02/03 as submitted at Acadiana Open Channel, Inc., motion to adopt by Benjamin, seconded by Williams.

Upon questioning by Williams, President Durel stated that AOC is now in compliance with their financial reports and he recommended approval. Ottinger concurred adding that majority vote would be needed for approval. City-Parish Auditor Blanchet echoed that five votes or more would be acceptable. Williams then commended AOC and urged support of the funding for Fiscal Year 02/03.

During discussion it was noted that both sides failed to comply with the contract. The previous Administration failed to enforce the contract and AOC was in blatant violation of the agreement. Most reports were submitted late, some well beyond the required dates. The audit reports submitted to the AOC Board had red flags and deficiencies were noted. No immediate action was taken on many of them. A review of documents for funding and deadlines were made, noting

that most documents were extremely late.

Ed Bowie, AOC Director, adamantly stated that all documents were sent in on time and AOC did not have any indication that LCG was not receiving them. As per the contract, the documents were sent through the U. S. Postal Service and addressed to the Lafayette City-Parish President. When AOC was notified, they rectified what they were notified to correct. He suggested that the contract be amended to specify that AOC send the documents by certified mail or hand-delivered. He added that funding from the Council historically is transferred to AOC in October of each year. In the fall of 2003, an election was taking place and AOC decided to wait, deal in good faith and provide services until such time as it was appropriate. Upon questioning by Bourgeois, Bowie explained that revenue comes from LCG (\$220,000), Cox Cable franchise (\$50,000) and other outside sources (8%). The \$220,000 is dedicated to salaries, taxes and health insurance for employees. AOC is in the process of changing its mission statement in order to apply for grant funds.

James Hebert, AOC Board President, stated that there are 12 board members, 2 of which are programmers. The board meets monthly and the meetings are not televised. The board follows policies and procedures and minutes are taken at each meeting. Bourgeois requested copies of AOC minutes where the budget and annual plan were approved by the board by close of business on March 31, 2004. Identical audit violations for both FY 02/03 and FY 03/04, such as open meetings law and insurance coverage, were then discussed. Hebert acknowledged the Board's responsibility and, as President, committed to correcting all violations.

Benjamin spoke in support of the ordinance; however, he requested that the Administration monitor this contract closely and that guidelines and authority be set.

Stevenson opined that AOC did breach the contract. The Board and the Director should have taken the responsibility. Hebert rebutted that during that time AOC was submitting documentation and if, at that time there had been a problem, AOC would have been notified, in writing, by LCG. Stevenson then stated that AOC should have been sending documents by certified mail and LCG's notice for these documents should have been sent by certified mail. He added that the contract should be amended to include a Council Liaison, who will advise and help. He concluded that he would vote for this ordinance, but AOC should not let this happen again.

Upon questioning by Broussard, Auditor John Blanchet explained the Council could approve the 02/03 allocations without approving the 02/03 budget. Approval, at this point, is a moot issue because the money is already spent. Broussard stated he would not support funding for 2002

Regarding notification of deadlines, Ottinger stated that Section 27 of the contract states, "Each party agrees to do all things necessary and appropriate to carry out the provisions of this agreement". There is nothing in the agreement that places a burden on the government to notify the other party of any breach on their part. Menard then requested a copy of the chronology (FY 02/03) of the due dates and when the documents were actually received. The list was discussed in detail.

Bourgeois then stated that he had looked into James Hebert's background and he was more than qualified to head the AOC Board. He urged Hebert to seek more outside funding for AOC. Upon questioning by Badeaux, Ottinger stated all requested documentation for 02/03 was late. Hebert rebutted that several documents were mailed to the Administration on time; however, who received them and when is not known. Badeaux then stated he would vote against the resolution.

Durel opined that the Council might be voting on something that isn't fully understood. He felt AOC has not done its job as well as they should have on the documentation; however, the contract calls for notification, in writing, by LCG to AOC and that wasn't done. Menard interjected that is only in case of termination of the contract.

Benjamin then called for the question. Williams requested that the public be allowed to speak on the issue.

The following individuals were recognized:

David Malveaux stated it would be a mistake not to fund AOC. He felt they produced quality programming and should be given a chance to clean up their house.

Donald Bernard commended President Durel for his leadership, City-Parish Attorney Ottinger for his unbiased legal opinions and the Council for their oversight and responsibility. He also commended James Hebert for standing before the Council and defending AOC. He then urged support of the funding.

James Hebert passed.

Richard Phelps urged support of the funding for AOC and commended the AOC staff for producing quality programming under the current situation.

Jeffrey Landry urged support of funding for FY 02/03 and FY 03/04

Dominic Cross supported funding of AOC.

Deborah Duhon supported funding of AOC.

The Chair then called for a vote on the motion, and the vote was as follows:

YEAS: Williams, Benjamin, Conque, Stevenson

NAYS: Badeaux, Bourgeois, Broussard, Mouton, Menard

ABSENT: None

ABSTAIN: None

Motion failed.

(TAPE 2)(SIDE A)(307) AGENDA ITEM NO. 5: R-022-2004 A resolution of the Lafayette City-Parish Council authorizing the disbursement of annual funding for FY 02/03 to Acadiana Open Channel, Inc., motion to defeat by Williams, seconded by Broussard, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Benjamin

ABSENT: None

ABSTAIN: None

Motion to defeat was approved.

The following individuals were recognized:

Donald Bernard urged full support stating that the community needs AOC.

James Hebert passed.

Patrick Brasseaux urged support of funding for AOC.

Richard Phelps expressed his disappointment in the action just taken by the Council regarding AOC. He then urged support of the funding for AOC.

Dominic Cross passed.

Mark Bernard supported ordinance but did not wish to speak.

Jeffrey Landry stated his support of all four resolutions on the agenda.

(TAPE 2)(SIDE A)(514) AGENDA ITEM NO. 6: R-023-2004 A resolution of the Lafayette City-Parish Council acknowledging receipt of, and approving, certain financial reports for FY 03/04 as submitted by Acadiana Open Channel, Inc., motion to adopt by Williams and seconded by Stevenson.

Stevenson then called for the question, and the vote was as follows:

YEAS: Bourgeois, Williams, Broussard, Benjamin, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux

ABSENT: None

ABSTAIN: None

Motion was approved.

The Chair then called for the vote on the motion, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux
ABSENT: None
ABSTAIN: None
Motion was approved.

(TAPE 2)(SIDE A)(557) AGENDA ITEM NO. 7: R-024-2004 A resolution of the Lafayette City-Parish Council authorizing the disbursement of annual funding for FY 03/04 to Acadiana Open Channel, Inc., motion to adopt by Benjamin, seconded by Stevenson.

Broussard called for the question, and the vote was as follows:
YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: Badeaux
ABSENT: None
ABSTAIN: None
Motion was approved.

The Chair then called for the vote on the motion, and the vote was as follows:
YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: Badeaux
ABSENT: None
ABSTAIN: None
Motion was approved.

ORDINANCE FOR FINAL ADOPTION

(TAPE 2)(SIDE A)(616) AGENDA ITEM NO. 8: O-056-2004 A Fifteenth Supplemental Ordinance amending and supplementing an ordinance (the "General Bond Ordinance") adopted on April 8, 1986 to provide for the issuance of Public Improvement Sales Tax Refunding Bonds, Series 2004A, of the City of Lafayette, State of Louisiana (the "Issuer"), pursuant to the General Bond Ordinance; prescribing the form and fixing the maturities thereof and providing for the payment of said Bonds and the application of the proceeds thereof to the refunding of certain bonds of the City; approving the Official Statement in connection therewith; accepting the offer to purchase of Morgan Keegan & Company, Inc., of New Orleans, Louisiana; and providing for other matters in connection therewith, motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: Williams
ABSTAIN: None
Motion was unanimously approved.

Bonding Attorney, Jerry Osborne, Foley & Judell, explained that, in the past, the City has taken advantage of favorable interest rate environments to refund their outstanding bonds at a lower interest rate to create a saving for the city and the parish. That opportunity is before the Council again. The market is threatening to move off right now and interest rates will probably go up in the near future. That is why this Special Meeting was called. He then commended Morgan Keegan for their work on this issue. He added that there were sales commitments for only 47% of the bonds so Morgan Keegan took the risk on 53% of the bonds themselves.

ADJOURN

(TAPE 2)(SIDE B)(078) There being no further business to come before the Council, Chair Menard declared the Special Council Meeting adjourned.

NORMA A. DUGAS
CLERK OF THE COUNCIL